IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 39 of 2005

Rupali Kishor Garje .. Petitioner

versus

Kishor K. Garje .. Respondents

...

Mr.M.S. Kumthekar for the petitioner.

Mrs.Vasundhara Deshpande ior the respondent.

CORAM : B.H. MARLLAPALLE,J

DATED : 18th August 2005.

P.C.:

1. With the assistance of the learned counsel for the respective parties, efforts were made to bring the spouses to the negotiating table for settlement of the matrimonial disputes and these efforts appear to have been successful.

2. Consent terms duly signed by both the parties who are present in the Court (the applicant

wife is present with her father) are placed before me. As per the said consent terms, the spouses have agreed to take a divorce by mutual consent by converting the present M.J. Petition 549 of 2002 pending before the Family Court at Bandra into the petition for divorce by mutual consent. The husband in turn has agreed to pay an amount of Rs.1,50,000/- towards the permanent maintenance and out of this, an amount of Rs.50,000/- shall be paid to the wife on 30th August 2005 before the family Court when the above referred petition would be listed. The balance amount of Rs.1,00,000/- shall be paid by the husband to the wife on or about 22nd September 2005 and the decree for divorce will be passed only after the said remainder amount is received. The wife has accepted this proposal.

3. The consent terms are taken on record and marked "X" for identification. The parties agree that they shall be bound by these consent terms.. On 30th August 2005, the husband shall pay to the wife an amount of Rs.50,000/- by a demand draft drawn in favour of the wife and the family court will record the said payment in its roznama and the wife will acknowledge the said payment by passing a receipt..

On the same day, an application shall be submitted by both the parties jointly for converting M.J. Petition A-549 of 2002 before the Family Court.

4. The petition shall then be adjourned to 22nd September 2005 so as to ascertain whether the wife received the remainder amount of Rs.1,00,000/-. If the learned Judge of the Family Court is satisfied that the balance amount of Rs.1,00,000/- is received by the wife, the petition for divorce by consent shall be taken up for appropriate orders on the same day or an another early date.

5. Miscellaneous Civil Application is disposed of in terms of the above order.

6. A copy of this order be forwarded to the Family Court at Bandra so as to be taken on record in M.J. Petition A-549 of 2002.

B.H. MARLAPALLE, J